
OLR Bill Analysis

sSB 1228

AN ACT CONCERNING THE ERASURE OF CRIMINAL CHARGES THAT HAVE BEEN NOLLED OR DISMISSED OR FOR WHICH THE DEFENDANT HAS BEEN FOUND NOT GUILTY.

SUMMARY:

By law, courts, police, and prosecutors must erase the records of a criminal defendant when (1) he or she is found not guilty of the charge or the charge is dismissed, (2) at least 13 months have elapsed since any charge has been nolle, or (3) he or she received an absolute pardon.

Under current law, this erasure requirement does not apply to completed cases where defendants have multiple charges (counts) in a single information or indictment (charging document) until all charges are entitled to erasure, except for electronic records or portions of electronic records released to the public that reference a charge entitled to erasure. This bill changes erasure requirements for such cases that are completed on or after October 1, 2010. It requires the erasure of all records (paper or electronic) in such completed cases pertaining to charges that are entitled to erasure, not just electronic records released to the public.

By law, records in pending cases (involving one or multiple counts) cannot be erased.

EFFECTIVE DATE: October 1, 2011

BACKGROUND

Legislative History

The Senate referred the bill (File 668) to the Appropriations Committee, which reported a substitute that applies the changes in the bill to only those cases disposed of on or after October 1, 2010.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 45 Nay 0 (04/15/2011)

Appropriations Committee

Joint Favorable Substitute

Yea 45 Nay 0 (05/16/2011)